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Crl.O.P.No.4870 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.4870 of 2023

Rajan @ Thundu Beedi Rajan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
S-8, Adambakkam Police Station,
Chennai.

(Crime No.589 of 2019).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime
No.589 of 2019, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Sundararajan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody, for the offences punishable under Sections 341, 294(b), 307 @ 302 of IPC, in Crime No. 589 of 2019, on the file of the respondent police, seeks bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner was originally arrested in the present crime number on 12.11.2019 and remanded to judicial custody, thereafter, he was taken on custody through PT warrant, in respect of some other cases registered by the respondent Police. She further submitted that the petitioner has been granted bail in all other cases and in this case, he is in custody for more than three years and now the case in S.C.No.98 of 2021, pending on the file of the learned Sessions Judge, Mahila Court, Chengalpattu, is ripe for trial. Therefore, she prays for grant of bail to the petitioner and if only the petitioner comes out on bail, he will be able to defend his case, by arranging an Advocate for him.

3. Learned Additional Public Prosecutor appearing for the respondent police submitted that the it is a case, where the petitioner has



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committed murder of his wife. He further submitted that the petitioner was arrested on 12.11.2019 and still in continued detention and the learned trial Court has dismissed his application for bail stating that the petitioner has not engaged the counsel and five previous cases are pending against him. Hence, he opposed to grant bail to the petitioner.

4. At this juncture, the learned Counsel for the petitioner submitted that the petitioner will undertake that he would engage a counsel on or before the next hearing date and he is ready to furnish sufficient sureties and also agreed to produce the proof of his permanent residence.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and taking note of the undertaking given by the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties** (out of which one surety should be a blood related surety and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Sessions Judge, Mahila Court, Chengalpattu**, and on further conditions that:

[a] the petitioner should take steps to engage a counsel to defend his side and also, he should produce the proof for his permanent residence before the learned trial Judge concerned;

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall appear before the learned trial Court on all working days at 10.30a.m., without fail, until further orders ;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

09.03.2023

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To

1. The Sessions Judge, Mahila Court,
Chengalpattu.
2. The Inspector of Police,
S-8, Adambakkam Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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